

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | § |                      |
|                           | § |                      |
| Plaintiff/Respondent,     | § |                      |
|                           | § |                      |
| v.                        | § | Cr. No. C-04-580 (1) |
|                           | § | C.A. No. C-06-118    |
| SALVADOR GONZALEZ-GARCIA, | § |                      |
|                           | § |                      |
| Defendant/Movant.         | § |                      |

**ORDER GRANTING MOTION TO REDUCE  
SENTENCE PURSUANT TO 28 U.S.C. § 2255**

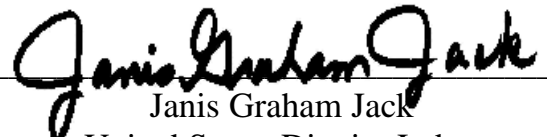
Pending before the Court is Salvador Gonzalez-Garcia's ("Gonzalez") motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255 motion. The case was called for an evidentiary hearing on March 6, 2007. Pursuant to the agreement between the United States and the defendant, and for the reasons set forth by the parties and the Court on the record at that hearing, the Court grants Gonzalez's motion insofar as to his claim that his sentencing attorneys were constitutionally ineffective because they failed to argue that his prior Florida offense was not a drug trafficking offense warranting a 16-level enhancement to his offense level under U.S.S.G. § 2L1.2.

As the parties agreed, the proper remedy is a reduction in Gonzalez's sentence. Thus, at the conclusion of the hearing, the Court orally pronounced Gonzalez's amended criminal sentence, reducing his term of imprisonment from 51 months to a sentence of time served. All other aspects of his initial criminal judgment will remain in full force and effect. A separate amended criminal judgment will be entered.

Additionally, Gonzalez indicated his intention at the hearing to withdraw his remaining claims under § 2255, and the Court deems them withdrawn. It is not necessary, therefore, to address those other claims.

For all of these reasons, the Court GRANTS Gonzalez's motion to reduce his sentence pursuant to 28 U.S.C. § 2255.

ORDERED this 6th day of March, 2007.

  
Janis Graham Jack  
United States District Judge